



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2457 FAX (603) 271-7894



Regency West  
c/o Dina Tortora, Greenview Properties  
60 Greenview Drive #12  
Manchester, New Hampshire 03102

LETTER OF DEFICIENCY  
WMB PBF 03-16  
May 9, 2003

Dear Ms. Tortora:

The Department of Environmental Services, Water Division ("DES") is required by RSA 485-A:26 to operate a program to ensure the health and safety of the public when using public bathing facilities such as pools and spas. To implement this program, DES has adopted administrative rules Env-Ws 1101-1105 to specify the design, operation, and maintenance requirements for public bathing facilities. DES reviews applications for new public bathing facilities and also inspects and tests the water in existing public bathing facilities to ensure that applicable requirements are being met.

It has come to our attention that DES has not received an application for the unapproved public bathing facility, the Spa, located at the Regency West, 1850 Front St, in Manchester. Pursuant to RSA 485-A:26, no person shall install, operate or maintain an artificial swimming pool or bathing place open to and used by the public, or as part of a business venture, unless the construction, design and physical specifications of such pool or bathing place shall have received prior approval by the division. A public bathing facility is defined as a swimming pool, spa or special recreation pool operated for any municipality, governmental subdivision, public or private corporation, partnership, association or educational institution open to the public, members or students, whether on a fee or free basis, together with buildings and equipment. This includes, but is not limited to, town public bathing facilities, public bathing facilities at hotels, motels, health facilities, water parks, condominium complexes, apartment complexes and public campgrounds.

Please complete the enclosed application including all plans for approval and submit with the one hundred dollar fee for the facility at your establishment. Return the application to Amy Wilson at the Department of Environmental Services, 6 Hazen Drive, PO Box 95, Concord, New Hampshire, 03302-0095. The application should be submitted by June 13, 2003. In the event that compliance is not achieved, DES may take further action, including seeking an administrative fine up to \$2,000 for each offense or referring the case to the NH Attorney General's Office for judicial action.

We appreciate your cooperation in this matter. Please contact Amy Wilson at (603) 271-7108 if you have any questions regarding this letter. Copies of Env-Ws 1101-1105 are available through the DES Public Information Center at (603) 271-2975 or via the Internet at <http://www.des.state.nh.us/pools/env1100.pdf>.

Sincerely,  
  
Jody Connor  
Limnology Center Director

Enclosures  
Certified Mail # 7099 3400 0002 9770 0928

cc: Mark Harbaugh, Enforcement Attorney, DES  
Amy Wilson, Public Bathing Facility Coordinator, DES  
Aaron Krycki, Manchester Health Department

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